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September 13, 2010

The Honorable Andrew L. Carter  
United States Magistrate Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: *Britt v. Aries Financial, et. al.*, 09-Civ-2398 (RJD) (ALC))  
*Petersen v. Aries Financial, et. al.*, 06-Civ-6663 (RJD) (ALC)

Dear Judge Carter:

Pursuant to the Court's September 1, 2010 order, the parties hereby file a joint status report.

**Depositions**

Since our last status letter dated August 13, 2010, the parties still have to complete the following depositions in the *Britt* case:

Sharlene Britt: As previously reported, Aries' counsel canceled the deposition scheduled for July 26. This deposition is now re-scheduled for September 21, 2010.

Marie Petersen: Marie Petersen's deposition continued on August 31, 2010. The parties believe that one more day may be needed to finish this deposition and have scheduled tentatively for September 29, 2010.

Steven Hlavna: Date to be supplied. There is a default judgment against defendant Hlavna. Counsel for Petersen provided him with a copy of the complaint and judgment in the matter and have advised him to retain counsel.

Jacques Michaane: Scheduled for September 20, 2010.

Wachovia: Date to be supplied. Plaintiffs served Wachovia with a subpoena for documents and a deposition to be taken on August 31, but received last minute word that Wachovia would need additional information (including employer identification numbers) to find the relevant information. Plaintiffs sent out a third

request for documents and interrogatories to obtain this information from the defendants.

### **Document Production**

Aries informs Plaintiffs that it intends to produce additional e-mails pursuant to Britt's and Petersen's outstanding request for production within the next thirty days. Moreover, a privilege log will be supplied. Aries will most likely object to producing several documents due to the attorney-client privilege and relevancy. Plaintiffs anticipate that they will need to move to compel certain documents and information but cannot file a motion until Aries produces the remaining documents, objections, and privilege logs.

Counsel for Petersen also continue to await documents requested during initial discovery and re-requested during the depositions and second written requests. Counsel have not received responses from: Fred Powell, Gary Cucuzza, Joseph Trentacosta, James Uston, Frank Carone of Berkshire Financial, and David Gottlieb.

Additionally, Plaintiffs served a third request for production of documents and interrogatories on August 31, 2010. Said requests were for the purpose of discovering information necessary to obtain documents and testimony from Wachovia.

We anticipate discussing the remaining discovery issues with the Court during the telephone conference scheduled for September 16 at 10:00 a.m.

Respectfully submitted,

/s/

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